

## Technology Services



www.wnyric.org

October 27, 2008

Letter of Appeal  
Schools and Libraries Division - Correspondence Unit  
100 South Jefferson Road  
P.O. Box 902  
Whippany, NJ 07981

To Whom It May Concern:

We are writing to appeal the denial of an Implementation Deadline request for 1 FRN for Funding Year 2004.

### Vital Information

|                         |                                      |
|-------------------------|--------------------------------------|
| Contact Name:           | Patrick Doyle                        |
| Address:                | 355 Harlem Rd, West Seneca, NY 14224 |
| Telephone number:       | (716) 821-7051                       |
| Fax number:             | (716) 821-7394                       |
| E-mail address:         | pdoyle@elb.org                       |
| Applicant Name:         | Erie 1 BOCES                         |
| Billed entity number:   | 149384                               |
| 471 application number: | 407327                               |
| FRN                     | 1140011                              |
| Case Number             | 21-798066                            |

### Explanation of Appeal

We are writing to appeal the denial for an Implementation Deadline Extension Request for FRN 1140011. The reason given for the denial was "Request received after the FCC deadline for Implementation Deadline Extension requests which was 9/30/06". It further goes on to state we did not establish that the service provider could not install the service due to circumstances beyond the service provider's control.

It was explained in the original extension request that the service provider could not install the fiber due to issues with the local power company, Niagara Mohawk, regarding pole access. The poles were in need of replacement as they stood then, and others had been identified as needing to be replaced if the extra weight of the fiber that would connect the school was added. This clearly meets the criteria of "The applicant requested an extension because the service provider was unable to complete delivery and installation for reasons beyond the service provider's control."

The original service provider for this was Adelphia Communications Corporation and was originally to be installed by June 30, 2005. Due to the issues with the local power company stated above, this did not happen. A request was submitted to extend the implementation date and that was approved until 9/30/06. Adelphia went into bankruptcy proceedings during that time and their New York assets were acquired by Time Warner. Time Warner completed this acquisition in August of 2006. Time Warner picked up on this project where Adelphia left off and ran into the same issues with the power company and was unable to complete the installation by 9/30/06. Due to a clerical error, another extension should have been filed at this point but was not.



Erie 1 BOCES Education Campus  
355 Harlem Road, West Seneca, NY 14224-1892  
Tel. (716) 821-7046 Fax (716) 821-7204

## Technology Services



Erie 1 BOCES Education Campus  
355 Harlem Road, West Seneca, NY 14224-1892  
Tel. (716) 821-7046 Fax (716) 821-7204

This waiver for the extension request deadline to the Administrator is consistent with the SLD's commitment to providing support for schools and libraries. A waiver, in this instance, will increase the likelihood that West Valley School District may successfully utilize discounts available from the schools and libraries universal service mechanism, and West Valley School District will not be penalized for missing the installation deadline, through no fault of its own. We believe, in summary, that it would be consistent with the public interest and the intent of section 254 of the Communications Act to grant this request and thus extend the deadline for installation of for FRN 1140011 for non-recurring services to September 30, 2008.

Thank you for your consideration in this matter.

Sincerely,

Patrick Doyle  
Computer Support Technician, E-Rate Services